

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ JUL 22 2019 ★

BROOKLYN OFFICE

-----X
RENEE LEE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

DECISION & ORDER

17-CV-2700 (WFK)

WILLIAM F. KUNTZ II, United States District Judge:

Renee Lee ("Plaintiff"), proceeding *pro se*, filed this social security action on May 2, 2017. *See* Compl., ECF No. 1. Pursuant to this Court's order, Defendant served its dispositive motion for judgment on the pleadings on November 13, 2017. After granting Plaintiff an extension of time, Plaintiff was to file her opposition to Defendant's motion by February 12, 2018. Plaintiff failed to file her response by the due date. On March 28, 2018, Defendant filed its motion for judgment on the pleadings, ECF No. 15.

On May 17, 2019, this Court issued an order directing Plaintiff to file her response or to show cause by June 14, 2019 why Defendant's motion should not be granted, and her case dismissed. To date, Plaintiff has not filed a response to Defendant's motion.

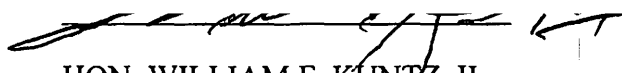
Rule 41(b) of the Federal Rules of Civil Procedure provide, in relevant part, "[f]or failure of the plaintiff to prosecute or to comply with . . . any order of the court, a defendant may move for dismissal of an action or any claim against the defendant." A district court has the inherent power to dismiss a case with prejudice for lack of prosecution pursuant to Rule 41(b). *See Link v. Wabash R.R. Co.*, 360 U.S. 626, 629 (1962). By failing to respond to Defendant's motion and

to comply with this Court's order directing her to explain why her complaint should not be dismissed, Plaintiff has failed to pursue her claim. Therefore, the Court concludes Plaintiff's noncompliance warrants dismissal, and that such dismissal be without prejudice given Plaintiff's *pro se* status.

For the foregoing reasons, the above-captioned action is hereby DISMISSED without prejudice for failure to prosecute pursuant to Rule 41(b). The Clerk of Court is directed to close this case.

SO ORDERED.

s/WFK



HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: July 22, 2019
Brooklyn, New York